

## **REMARKS/ARGUMENTS**

Claims 1-30, 32-36, and 38-47 are pending in the application. Applicant amends claims 1, 6, 7, 13, 15, 17, 21, 36, 39, and 46. Applicant cancels claims 31 and 37 and non-elected claims 48-52 without prejudice. Applicant respectfully requests reconsideration and allowance of all pending claims in light of the amendments.

Applicant thanks the Examiner for indicating that claims 6, 7, 15, 17-20 and 38 include allowable subject matter.

### **Discussion of Rejections Under 35 U.S.C. §112**

Claims 1-15, 21-35, and 39-47 were rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. In particular, the Examiner identifies the phrase “a particular deframing scheme to provide deframed data” appearing in claim 1, line 9 as unclear, and cites to similar phrases appearing in claims 21 and 39. Applicant believes that the phrase “in accordance with a particular deframing scheme” is definite and refers to a predetermined scheme used to deframe data. However, Applicant amends claims 1, 21, and 39 in order to further prosecution.

Applicant amends claim 1 to delete the phrase “and in accordance with a particular deframing scheme.” Thus, the element from claim 1, as amended, reads “a conversion unit operative to deframe the received data based on the first set of control signals to provide deframed data.” Applicant believes that the amendment removes any uncertainty related to “a particular deframing scheme.”

Applicant similarly amends claims 21 and 39 to remove the phrase “and in accordance with a particular framing scheme” from claim 21 and “in accordance with a particular framing scheme,” from claim 39.

Applicant respectfully requests reconsideration and withdrawal of the rejection under 35 U.S.C. §112 in light of the amendments.

### **Discussion of Rejections Under 35 U.S.C. §102**

Claims 39 and 42-47 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Patent No. 5,671,223 to Shachar et al. (hereinafter Shachar).

In order for a claim to be anticipated by a reference, the single prior art reference must describe, either expressly or inherently, each and every element as set forth in the claim.

**Claim 39** includes the feature “a deframer operative to receive a first block of data to be deframed in a Radio Link Protocol (RLP) packet.” This feature is not described in Shachar.

Shachar describes time division multiplexing of multiple data lines in a T1 or E1 communication line. *See, generally, Shachar*, at col. 1, ll. 24-36. Shachar describes a multi-channel HDLC framing machine that can time division multiplex across the multiple data lines of a T1 or E1 communication line. *See, id.*, at ll. 52-56.

Shachar fails to describe receiving a RLP packet or deframing an RLP packet. Therefore, Shachar fails to anticipate claim 39 because Shachar fails to describe every claimed element as set forth in the claim.

**Claim 46** includes a feature similar to that described above in relation to claim 39 and is believed to be allowable at least for the reason presented above in relation to claim 39.

**Claims 40-45 and 47** depend from one of claims 39 or 46 and are believed to be allowable at least for the reason that they depend from an allowable base claim.

#### Abrol as Not a Prior Art Reference

Abrol is disqualified as prior art against the claimed invention as provided in 35 U.S.C. §103(c)(1). Abrol is not available as a prior art reference under 35 U.S.C. §103(a), because Abrol (20020141370) and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Abrol (U.S. Application No. 09/823,475) is assigned to Qualcomm Incorporated, the assignee of the instant application. The assignment of Abrol is recorded with the PTO on June 25, 2001, at Reel 011977 and Frame 0750. The assignment of the invention of the instant application to Qualcomm Incorporated is recorded with the PTO on July 16, 2002, at Reel 013088 and Frame 0399.

#### STATEMENT OF COMMON OWNERSHIP

U.S. Patent Application No. 10/086,576 (the instant application) and U.S. Patent Application No. 09/823,475 to Abrol were, at the time the invention of the instant application was made, owned by Qualcomm Incorporated, or subject to assignment to Qualcomm Incorporated.

### Discussion of Rejections Under 35 U.S.C. §103

Claims 1, 3, 8-12, 14, 16, 21, 23-24, 27-30, 32, and 35 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Shachar. Claims 2, 22, and 40-41 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Shachar in view of W. Simpson, RFC 1662 (hereinafter RFC 1662). Claim 4 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Shachar in view of U.S. Patent No. 6,249,525 to Aggarwal et al. (hereinafter Aggarwal).

Claim 5 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Shachar in view of Aggarwal, further in view of U.S. Patent Application Publication No. 20020141370 to Abrol et al. (hereinafter Abrol). Claims 13, 25-26, 31, and 33-34 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Shachar in view of Abrol. Claims 36 and 37 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Shachar in view of Abrol, further in view of RFC 1662.

Applicant respectfully requests the withdrawal of the rejections to claims 5, 13, 25-26, 33-34, and 36 in light of the disqualification of Abrol as a prior art reference. A *prima facie* case of obviousness of these claims cannot be maintained with the removal of the Abrol reference from consideration.

**Claim 1** includes the feature of “an input interface unit operative to receive data to be deframed in one or more Radio Link Protocol (RLP) packets.” Applicant’s Specification, as filed, provides support for this feature. For example, paragraph [1009] explicitly provides an example of a an input interface receiving an RLP packet of data. Paragraph [1045] describes a sequence of RLP packets, and describes how an RLP packet may include “one PPP frame, multiple PPP frames, or only a portion of a PPP frame.”

As discussed above in relation to claims 39 and 46, Shachar fails to describe RLP packets, and fails to teach or suggest an input interface that receives one or more RLP packets for deframing. Shachar fails to describe a radio link, and fails to teach or suggest a radio link protocol that can include data that is to be deframed. Claims 1 is believed to be allowable at least for the reason that Shachar fails to teach or suggest every claimed feature.

**Claim 21** includes the feature that the framer “an input interface unit operative to receive data to be framed in one or more Radio Link Protocol (RLP) packets” Support for this claimed feature is provided throughout Applicant’s Specification, as filed. In particular, paragraph

[1087] and [1091] describe the framer receiving data to be framed in one or more RLP packets received over a wireless link.

Shachar fails to describe framing of data received in one or more RLP packets. Thus, claim 21 is believed to be allowable because Shachar fails to teach or suggest every claimed feature.

**Claim 36** includes the similar feature “an input interface unit operative to receive a packet of data to be framed in one or more Radio Link Protocol (RLP) packets, one word at a time, and for each received word provide one data byte at a time for subsequent processing.” Claim 36 is believed to be allowable at least for the same reasons presented above in relation to claims 1 and 21.

#### Discussion of Dependent Claims

**Claims 2-5, 8-14, 16, 22-30, and 32-35** depend from one of claims 1 or 21 and are believed to be allowable at least for the reason that they depend from an allowable base claim. Applicant respectfully requests reconsideration and allowance of the claims.

#### Discussion of Allowable Subject Matter

**Claims 6, 7, 15, and 17** were objected to as being dependent upon a base claim, but otherwise allowable if rewritten in independent form including all of the features of the base claim and any intervening claims.

Applicant amends claims 6, 7, 15, and 17 to include all of the features of the original independent claims and intervening claims. Applicant respectfully requests withdrawal of the objections to the claims in light of the claim amendments.

The Examiner indicated that claims 18-20 and 38 were allowable. Applicant thanks the Examiner for the indication of allowance.

### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application and all of the claims are in condition for allowance. Applicant respectfully requests further examination, reconsideration, and allowance of the claims.

If there are any fees due in connection with the filing of this response, please charge such fees to our Deposit Account No. 17-0026. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for, such an extension is requested and the fee should also be charged to our Deposit Account. Applicants therefore respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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